

**CITY COUNCIL MINUTES**  
**April 12, 2010**  
**REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, April 12, 2010 at 6:00 p.m. with Mayor Powers presiding and City Clerk Joseph G.R. Labrie recording the minutes.

**CALL TO ORDER**

**ROLL CALL:**

**Council Members Present:** J. M. Holmes, Kevin Hanley, Bill Kirby, Keith Nesbitt, Bridget Powers

**Council Members Absent:** None

**Staff Members Present:** City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Senior Planner Reg Murray, Fire Chief Mark D'Ambrogi, Public Works Director Jack Warren, Engineering Division Manager Bernie Schroeder, Administrative Services Director Andy Heath, Police Chief Valerie Harris, Police Captain John Ruffcorn, Public Works Engineer Carrie Huff.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

**MOTION: Nesbitt/Holmes/ Unanimously approved by voice**

- (1) **CONFERENCE WITH LABOR NEGOTIATORS**  
G.C. 54957.6

Agency Designated Representatives: Robert Richardson, David Mackowiak

Employee Group: All Bargaining Units

**REPORT OUT OF CLOSED SESSION**

No reportable action

**PLEDGE OF ALLEGIANCE**

## **MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS**

**Proclamation** for Sexual Assault Awareness Month, Michelle Coleman and Laura McNicholas from Peace for Families

**Proclamation** for DMV ~ Donate Life Month, Lynn Amer from Auburn DMV

**Commendation** for Bonnie McAdams

## **AGENDA APPROVAL**

The agenda was approved as presented by consensus of the Council.

## **CONSENT CALENDAR**

### **1. Minutes**

By **MOTION** approve City Council Minutes of 03/08/2010.

### **2. Authorization for the Fire Department to purchase equipment; Self Contained Breathing Apparatus and Cascade System**

By **RESOLUTION 10-29**, authorize the Fire Department to proceed with the purchase of Self Contained Breathing Apparatus and Cascade System as authorized by the Assistance for Firefighters Grant, not to exceed the amount of \$187,245.51.

### **3. Auburn Municipal Airport – East Area Hangar Project Amendment No. 3 to Consultant Agreement**

By **RESOLUTION 10-30**, approve Amendment No. 3 to the consultant agreement with Mark A. Machado in an amount not to exceed \$9,500.

### **4. Auburn Municipal Airport – Amendment No. 1 to Consultant Agreement with Carter Burgess, Inc.**

By **RESOLUTION 10-31**, approve Amendment No. 1 to the consultant agreement with Carter Burgess, Inc. in an amount not to exceed \$116,995.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION**, approve Consent Calendar.

**MOTION: Holmes/Nesbitt/ Approved 5:0**

5. **Public Comment**

Council Member Holmes stated his concern regarding the City's inclusion in the Placer County Flood Control District. He said he would like to have staff review our membership and/or MOU with this organization and come back with a recommendation on whether it is necessary to continue on that board.

Council Member Hanley on behalf of the Greater Auburn Area Fire Safe Council announced "Project Canyon Safe" taking place on May 22<sup>nd</sup>, 2010 to reduce the threat of catastrophic fire in Auburn. He said Project Canyon Safe consists of two elements: (1) declaring May 22<sup>nd</sup> as "Defensible Space Day in Auburn" and (2) holding a community fuel abatement effort in the Robie Point Area. He said meetings regarding this project will be held in Room 10 at 9 am every Friday until the project is completed.

Council Member Nesbitt inquired what the feasibility is for using inmates to establish and maintain a shaded fuel break in the canyon. He said he would like the Fire Chief to report back to the Council regarding this.

6. **MILESTONES**

Police Chief Valerie Harris recognized Sgt. Victor Pecoraro for his excellent work. She outlined his duties and accomplishments.

**PUBLIC HEARING**

7. **1<sup>st</sup> reading of Ordinance Amending the Auburn Municipal Code; Section 100.87 of Chapter 100 of Title IX; Fuel Modification Standards, Requirements.**

Fire Chief Mark D'Ambrogi presented the proposed language in regards to the 100 feet of defensible space. He provided an illustration.

Council Member questions followed: (1) neighboring defensible space, (2) enforcement / inspection, (3) actual impact on properties,

Dan Sokol, resident on Deerwood Place in Auburn, stated his concern regarding private property destruction.

Bob Snyder, resident on Marina Ave in Auburn, asked about the course of action during enforcement of the requirement that a property owner either clear fuel for the benefit of a structure on a neighboring property or allow that neighboring property owner to do so. He also clarified who is financially responsible for clearing by the City when the responsible

property owner does not do the work and how disputes between property owners as to how much clearing is required will be resolved.

Fire Chief Mark D'Ambrogi clarified that the property to be cleared must follow Fire Department standards for a defensible space inspection.

Council Member questions followed: (1) effectiveness of defensible space, (2) definition of defensible space in ordinance, (3) provision for appeal process, (4) public notice, and (5) public hearing for enforcement issues.

By **MOTION**, postpone consideration of this item and have staff examine all feasible methods to publicize this hearing before the next City Council meeting.

**MOTION: Hanley/ Holmes/ Approved 5:0**

## **REPORTS**

### **8. Financial Status Report – Fiscal Year 2009-10**

Finance Director Andy Heath presented current financial status. (Report available in City Clerk's office.)

Council Member questions followed: (1) wastewater treatment plant costs, (2) reserve funds, (3) sewer enterprise fund balance, (4) FAA grant funding, and (5) other revenue sources.

By **RESOLUTION 10-32**:

- a) Decrease the estimate for earned revenue in the City's General Fund by \$382,668 to \$8,045,432;
- b) Decrease the appropriation for expenditures in the City's General Fund by \$125,034 to \$8,443,737; and
- c) Decrease the General Fund Cash Reserves by \$314,328 to \$2,991,165.
- d) Adopt the modified budgets in accordance with the attached schedules for the City's Airport, Sewer, Redevelopment, Gas Tax and Transportation Funds.

**MOTION: Nesbitt/ Kirby/ Approved 5:0**

The Council recessed for 5 minute recess.

### **9. Parking Issues Update (formerly item #13)**

City Manager Robert Richardson briefed Council on the current status of parking issues. He said that parking enforcement will be staffed full time

next month using volunteers. He reviewed the report with the Council (available in City Clerk's Office). He provided a schedule for implementing all aspects of the parking study.

Engineering Division Manager Bernie Schroeder introduced three options for parking on the Brewery Lane site owned by the City; she said layouts are between \$10,000 to \$12,000 per parking spot. (Totaling \$165,812.50 to \$416,765.63.)

Public Works Engineer Carie Huff presented conceptual layouts of 15, 25 or 35 spaces on the site.

Council Member questions follow regarding: (1) data-gathering for the parking study during peak times, (2) handicapped parking, (3) styles of different lots, (4) concerns of residents in Brewery Lane area, (5) means to restrict the proposed lot to employee parking only, (6) funding, (7) parking time limits.

Police Chief Harris said Brewery Lane was proposed to be designated to employee parking to minimize the impact on the residential area of those less familiar with the area attempting to find and use that lot.

Mayor Powers emphasized that we need to let public know that parking enforcement is going to begin.

Debbie Yue, resident on Sacramento Street in Auburn, spoke against Brewery Lane becoming a parking lot. She said she owns property surrounding the area. She said she likes the idea in parking study about shared parking. She said when Timberline subdivision was put in, one requirement was to designate the historical site. She said she doesn't think that decision should be changed.

Tom Romer, resident of Timberline Lane in Auburn, stated his concerns are (1) parking lot not being used for parking purposes, (2) financial aspect, (3) traffic accidents due to proposed designation of Brewery Lane as a one-way street, (4) preventing trespassing and vandalism, (5) overnight parking, (6) maintenance of the area, (7) noise, and (8) lighting.

Carie Arndt, President of Old Town Business Association in Auburn, wants the public to know there is currently parking in Old Town. She said she will take parking limit issue to next OTBA meeting for feedback. She said she appreciates everyone coming together on this issue.

Ty Rowe, business owner and Vice President of the Old Town Business Association, spoke in support of parking on Brewery Lane. He said high-

parking-demand businesses are going into Old Town, without more parking being added. He said the project "could be something that works for everybody, it could clean up the area, it could give it a use."

Mary Ball, property owner on Brewery Lane in Auburn, said she is concerned about "historical area" guidelines not being followed.

A salon owner in Old Town said her customers have a hard time finding parking.

James McNee, resident on Cora Lane in Auburn, spoke against more parking in Old Town area.

Herb Yue, resident on Sacramento St. in Auburn, said extra parking will not alleviate parking problems in Old Town area. He said the lot should remain an undeveloped historical site.

Bob Snyder, resident Marina Ave in Auburn, supports more parking in Old Town. He said the historical aspect can be preserved even if something is done with the lot.

Betty Martin, resident on Timberline Dr in Auburn, inquired if Section 106 applies on this property with the Advisory Council on Historical Preservation, and if it does, does that Council need to be addressed.

Council Member questions follow: (1) right-of-way range, (2) employee-only enforcement, (3) historic designation on title, (4) signage, (5) safety in area, (6) courthouse parking, (7) brush clearing in process, (8) peak hours of business in Old Town, and (9) 6-month trial period of enforcement.

Council Member Kirby made a motion to give conceptual approval to the development of a parking lot on the Brewery Lane site for 15 parking spaces and a pocket park.

Mayor Powers clarified enforcement and signage issues to be completed.

Councilmember discussion followed regarding the importance of observing the effects of parking enforcement on parking availability in Old Town before a parking lot design is chosen.

By **MOTION**, conceptually approve development of a parking lot on the Brewery Lane site with 15 parking spaces and development of a park and directed staff to pursue the plan and bring it back to Council for final approval for CEQA compliance and Planning Commission review.

**MOTION: Kirby/Hanley/ Approved 5:0**

10. **General Plan Implementation Work Plan**

Presentation by Senior Planner Reg Murray.

By **MOTION**, adopt the Annual General Plan Implementation Work Plan and direct Staff to submit the plan to the State Office of Planning and Research and the State Department of Housing and Community Development.

**MOTION: Hanley/ Nesbitt/ Approved 5:0**

11. **Annual Housing Element Progress Report**

Presentation by Senior Planner Reg Murray

By **MOTION**, adopt the Annual Housing Element Progress Report and direct Staff to submit the report to the State Office of Planning and Research and the State Department of Housing and Community Development.

**MOTION: Holmes/ Nesbitt/ Approved 5:0**

12. **City Council Committee Reports**

Council Member Holmes reported that the Lake Clementine Meeting took place today.

He also reported that the Placer County Air Pollution Control District Clean Air Grants were awarded.

Council Member Nesbitt reported that the Streetscape History Art Advisory Committee will be presenting items to Council soon regarding Central Square.

**COUNCIL BUSINESS**

13. **Annual SACOG Blueprint Project Comparison (formally item #9)**

Without objection, Mayor Powers continued this item to the April 26, 2010 Council meeting.

14. **Collection of Fees for Medical and Accident Responses**

Council Member Kirby brought this item forward. He said he is interested in the concept that insurance companies are billed for accidents that happen in City limits involving non-residents. He said this results no "out-of-pocket" expenses for individuals, the insurance company is billed. He said the typical charge is \$300.00 for out of area individuals who are involved in accidents.

Council member questions followed: (1) multiple jurisdiction response, (2) requirement that the person charged be at fault in the accident, (3) higher insurance rates for individuals, and (4) double taxation.

The Council took no action on this item.

15. **Placer County Charter Amendment**

Council Member Holmes presented this item. He said he opposes approval of the measure to amend the County charter. He said the measure states that funds that come from the Middle Fork project would go to the County of Placer and would be used for waster water, water plants, and water district projects. He said the way the measure is worded excludes incorporated cities and towns in Placer County. He said this would require the Board of Supervisors to take a County wide vote at a general election to get approval to assist city or towns in Placer County. He read a substitute resolution with wording to include cities and towns in the initiative.

Council Member Hanley said by not including cities and towns the initiative could be defeated by encouraging city and town residents to vote "no." He suggests a resolution to the League of Placer County Taxpayers adding cities and towns to this initiative.

Bob Snyder, resident on Marina Ave. in Auburn, stated his support of this resolution. He questioned whether the wording on the League's initiative could extend to cities and towns and noted that altering the measure would make it difficult for the proponents to place this on the November 2010 ballot.

Wally Reemelin, President of the League of Placer County Taxpayers, stated there is a misunderstanding about this initiative. He said the reason cities were not specifically listed on this initiative, was to protect the money from being put in general funds of cities. He said divisions within the city can still request the funds.

Council member questions followed: (1) signatures and deadlines for November's ballot, (2) process for applying for money, (3) definition of "district," and (4) League of Placer County Taxpayer's counsel at the Pacific Legal Foundation.

Dan Sokol, resident of Deerwood Place in Auburn, suggested a "Landscape and Lighting" district formed by the City might be a "district" which could qualify for funding.

Bob Snyder said this issue should be pursued at a later time, and no action should be taken tonight.

Council Member Nesbitt asked for a further analysis on this initiative.

Council Member Holmes requested more information from all parties involved.

Council Member Hanley asked everyone to read the language of the measure.

Wally Reemelin said "the language says only for capital purposes, not salaries,"

Council Member Hanley clarified that the language says "benefiting capital needs" he asked what a "benefit" is.

Council Member Nesbitt said hiring people could be a benefit to a capital purpose.

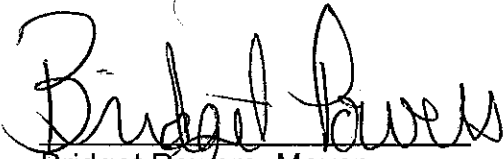
Council Member Holmes asked to postpone this issue until the next Council meeting. He said he would like additional guidance from Placer County Water Agency and from Placer County to get a more thorough interpretation of the reading of this measure.

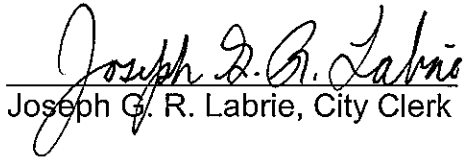
By **MOTION**, postpone this issue until the April 26<sup>th</sup> City Council Meeting so that further information and interpretations can be presented.

**MOTION: Holmes/ Nesbitt/ Approved 5:0**

## **ADJOURNMENT**

Mayor Powers, without objection, adjourned the meeting at 10:20 p.m. to meeting of the Auburn Urban Development Authority in memory of Steven Krieger.

  
Bridget Rowers, Mayor

  
Joseph G. R. Labrie, City Clerk